

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES W. BAXTER, )  
Plaintiff, )  
v. ) C.A. No. 1:16-290  
MAGISTERIAL JUDGE DJ HAMMER, )  
et al., )  
Defendants. )

## **MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on November 30, 2016, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on February 14, 2018, (Docket No. [47]), recommended that the motion to dismiss filed by Defendants Northeast Police Department and Sean Michael Lam, (Docket No. [44]), be granted and that this case be closed. Service was made on all parties, and objections were due by March 5, 2018. No objections were filed. After de novo review of the documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 9th day of March, 2018,

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants

Northeast Police Department and Officer Sean Michael Lam, (Docket No. [44]), is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of Defendants Northeast Police Department and Sean Michael Lam, and against Plaintiff on all remaining claims in this case. The Clerk of Court shall mark this matter as closed.

The report and recommendation of Magistrate Judge Baxter, dated February 14, 2018, is adopted as the opinion of the Court.

*s/Nora Barry Fischer*  
Nora Barry Fischer  
United States District Judge

cc/ecf: Susan Paradise Baxter  
U.S. Magistrate Judge

Charles W. Baxter  
Erie County Prison  
1618 Ash Street  
Erie, PA 16503

All counsel of record